

### REMARKS

Claims 1-7, 9-18, 20-27, and 29-42 are currently pending in the subject application and are presently under consideration. Claims 8, 19 and 28 have been cancelled. Claims 1, 10, 21, 30, 41 and 42 have been amended as shown on pages 2-8 of the Reply. Support for these amendments can be found throughout the specification, particularly at page 18 (lines 8-12), page 18 (line 30) - page 19 (line 6), page 19 (lines 25-27), Fig. 12, and page 23 (lines 26-31).

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1, 3-7, 21-29, and 41 Under 35 U.S.C. §102(b)**

Claims 1, 3-7, 21-29, and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dumarot, *et al.* (U.S. 6,059,842). It is requested that this rejection be withdrawn for at least the following reason. Dumarot, *et al.* does not disclose or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The present invention relates to modifying and configuring an application based at least upon determined parameters of an operating environment. An application modifier system determines the defining parameters of an operating environment, and then modifies a generic application based at least upon the determined parameters. Therefore, it provides for designing applications, which can be deployed across a variety of operating environments regardless of the underlying platform (*See applicants’ specification page 5 lines 23-26*). Additionally, the application modifier system can include a display component, which mitigates the management of data for users. In particular, independent claims 1, 21, and 41 recite similar features namely: ***the modification component interacts with a virtual code component to configure a generic code template of the application in accordance with the determined parameters of the operating environment wherein, the generic code of the application is independent of the***

*underlying platform*. Dumarot, *et al.* fails to disclose or suggest such aspects of the invention as claimed.

Dumarot, *et al.* relates to increasing the apparent speed of a computer by automatically optimizing software and hardware according to user-specified preferences. To this end, a user provides system optimization parameters by selecting icons. Each icon represents an optimization routine, which the optimizer recognizes to perform optimization functions. (See Dumarot, *et al.* col. 8, lines 39-57). The optimizations enable a computer to run more efficiently by allocating resources based on the parameters. As conceded at page 5 of the subject Office Action, Dumarot, *et al.* does not teach or suggest a virtual code component. Rather, Dumarot, *et al.* teaches customizing only the applications located on a local system or it's associated server to the operating environment of the local system (See Dumarot, *et al.* col. 4, lines 41-42). Nowhere does Dumarot, *et al.* teach or suggest utilizing a platform-independent generic version of the application with the optimizer. In contrast, the subject invention employs a generic version of the application for modification. Therefore the invention as claimed, is able to allow a user to customize applications located in different parts of a network to the various operating environments within the network through the application/operating environment browsers.

In view of at least the foregoing, it is readily apparent that Dumarot, *et al.* does not disclose or suggest the claimed subject matter as recited in independent claims 1, 21, and 41 (and associated dependent claims 1-3, 5-9, and 22-29). Hence it is respectfully requested that this rejection be withdrawn.

## **II. Rejection of Claims 2 and 9 Under 35 U.S.C. §103(a)**

Claims 2 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dumarot, *et al.* as applied to claim 1 above. This rejection should be withdrawn for at least the following reasons. Claims 2 and 9 depend from independent claim 1. As noted above, Dumarot, *et al.* fails to teach or disclose the claimed aspects of independent claim 1. In particular, it fails to teach or suggest a *modification component interacts with a virtual code component to configure a generic code template of the application in accordance with the determined parameters of the operating environment*. Therefore, it is respectfully requested that this rejection be withdrawn.

### III. Rejection of Claims 10-20, 30-40, and 42 Under 35 U.S.C. §103(a)

Claims 10-20, 30-40, and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dumarot, *et al.* in view of Khare (U.S. 2003/0182460). This rejection should be withdrawn for at least the following reasons. The cited documents either alone or in combination fail to teach or suggest all aspects of the invention as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.**

The subject invention allows for scalable architecture wherein a user can develop a generic application that can be deployed across a variety of operating environments regardless of the underlying platform. To this end, amended independent claim 10 (and similarly amended independent claims 30 and 42) recite ***a modification component that automatically configures a platform-independent generic template of the application based at least in part upon the determined parameters so that it will function as desired within the execution environment and a virtual code component that utilizes .NET virtual machine code-ability mechanisms to convert managed code of the generic template into native computer assembly.*** The cited documents either alone or in combination fail to teach or suggest such novel aspects.

Dumarot, *et al.* relates to increasing the apparent speed of a computer by allowing users to optimize software running on it. However, as stated *supra*, it fails to disclose or suggest all the claimed aspect of the present invention. Khare fails to overcome this deficiency of Dumarot, *et al.* Khare relates to execution of code modules whose location is unknown at compile time. Accordingly, a managed code module is provided with a wrapper function, which specifies the desired function in the unmanaged code module and the parameters to pass to/from that function. However, it does not teach or suggest developing a platform independent generic template of an application. At the cited section, (Khare paragraph [0005]) Khare teaches that in a .NET environment, application source code is not compiled into a native executable format. It is compiled into an intermediate language format, which is loaded upon a user launching the

application. However, Khare does not teach or suggest developing a generic application that is independent of a platform, for example, an end-user display or type of unit etc. (*See* for example, applicants' specification page 18 lines 10-12).

Applicants' claimed invention comprises a modification component that acts on a generic version of an application, thereby minimizing the time a user needs to tailor the application to specific uses. The virtual code component takes such a generic application without specific tailored-aspects and configures the application to a desired platform (*See* for example, applicants' specification page 18 lines 13-17). As a result, the invention allows a user to specify applications/operating environments through a display component. Such novel aspects are not taught or suggested either alone or in combination by the cited documents. In view of at least the foregoing comments, it is requested that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP310US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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